

-Remarks-

Entry of the above amendments and reconsideration and withdrawal of the rejection of claims 1, 9, 17, and 19 - 22 is respectfully requested. Applicants also request that the Examiner reconsider and withdraw the objection to claims 2 - 8, 10 - 16 and 18.

Amendments.

Applicants have amended claim 1 hereinabove so that B¹ and B² are limited to saturated or unsaturated carbocyclic rings and Y is C. This amendment is intended to conform claim 1 to the restriction requirement. Applicants reserve the right to file divisional applications directed to the nonelected subject matter of this invention. Applicants have amended claims 3 - 5 and 8 - 10 by adding a period to the end of each of those claims. Applicants have canceled claims 18 and 20 - 22 in favor of new method claims 23 - 32 which new claims are directed to respiratory diseases and conditions.

The objection to the specification.

The Examiner has objected to the specification, alleging that the abstract of the disclosure is too long. Applicants have replaced the abstract with a shorter abstract. A copy of the abstract on a separate page consecutively numbered with the last page of the claims is enclosed herewith.

The 35 U.S.C. §112, first paragraph rejection.

The Examiner has rejected claims 20 and 21 under 35 U.S.C. §112, first paragraph, alleging that the specification, while being enabling for treating diseases such as asthma and COPD, does not reasonably provide enablement for other diseases listed in claims 20 and 21. Applicants have canceled claims 20 and 21 hereinabove, rendering this rejection moot. Applicants have replaced those claims with claims directed solely to respiratory diseases such as various forms of asthma, bronchitis, adult respiratory disorder syndrome (ARDS) and chronic pulmonary obstructive disease (COPD). Applicants submit that the instant rejection is moot with respect to claims 20 and 21. Applicants respectfully request that the Examiner consider and allow new claims 23 - 32 in light of this rejection.

The 35 U.S.C. §112, second paragraph rejection.

The Examiner has rejected claims 17, 19 and 22 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has objected to the use of the term "of formula (6.0.30)" and similar terms in claim 17 since there is no formula present in the claim. Applicants have amended claim 17 hereinabove to remove all such references to formulas.

The Examiner has suggested that the term "use in" before the term "treating" in line 1 of claim 19 be deleted and that the term "administering" be added after the word "comprising" in line 3. Applicants have amended claim 19 hereinabove with the suggestions made by the Examiner in mind.

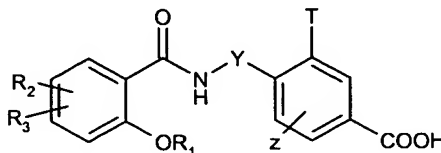
The Examiner has suggested that the term "combination" in claim 22 is vague. Applicants have canceled claim 22 hereinabove, rendering this rejection moot.

Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §112 rejection of claims 17 and 19, as amended.

The 35 U.S.C. §102(b) rejection.

The Examiner has rejected claims 1, 9 and 19 under 35 U.S.C. §102(b) as being anticipated by Hitzel et al., U.S. Patent No. 4,181,658 (hereinafter "Hitzel").

Hitzel discloses certain nicotinamido-N-benzoic acid derivatives, in particular, compounds of the formula



The Examiner has alleged that the compounds of the instant invention wherein W is O, m is 0, A is formula (1.1.1) and R⁷ is H are anticipated by the disclosure in Hitzel. Applicants have amended claim 1 by adding a proviso which requires that, when m is 0 and W is O, A may not be a carboxyl group. Applicants submit that claim 1 no longer reads on Hitzel.

Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §102(b) rejection of claims 1, 9 and 19, as amended, over Hitzel.

Improper Markush Group.

The Examiner has objected to claims 1 - 16 and 18 - 22 as containing non-elected subject matter. Applicants have amended claim 1 hereinabove to conform the claims to the restriction requirement. Applicants have also amended claims 9, 10, 11, 13 and 15 to remove subject matter not within the scope of the restriction requirement. Applicants submit that the claims do not now contain non-elected subject matter. Applicants respectfully reserve the right to file divisional applications directed to the non-elected and canceled subject matter of this invention.

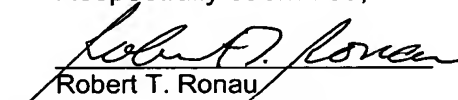
-Conclusion-

Applicants, having responded to all points and concerns raised by the Examiner, believe this application to be in condition for allowance. An early and favorable action is respectfully requested.

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Respectfully submitted,


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